

Transferable Development Rights

PROGRAM OVERVIEW

- The TDR program is used by downtown commercial developers to achieve additional density.
- Unlike bonus incentive programs, which help mitigate impacts of higher density development, the TDR program helps Seattle achieve a more variable scale of buildings in downtown by allowing density to be moved from one site to another.
- Lots where affordable housing is preserved are eligible “housing TDR sites.”
- Other eligible sites include those with landmark buildings or major open space.
- Purchasers (commercial developers) and sellers (owners of certified TDR) can negotiate sales directly. Or the City can purchase TDR and hold it in its “TDR Bank” for later resale.
- All transactions, whether private or through the City, require execution and recording of a TDR Agreement between the owner of the TDR site and the City.
- The TDR Agreement includes covenants that will run with the land (in the case of housing, 50 years of affordable housing primarily affordable to households with incomes up to 50% of median).
- TDR is validly transferred by statutory warranty deed and is recognized by the courts as real property.

CODE REFERENCES

- SMC 23.49.014: Transferable Development Rights (TDR)
- SMC 23.49.011: Floor area ratio
- SMC 23.49.017: Open space TDR site eligibility

TDR PURCHASE

- Prior to MUP issuance, commercial developer must detail for the Office of Housing how all chargeable floor area above the Base FAR will be achieved
- Per square foot sales price for certified TDR is negotiated between buyer and seller

TDR INFORMATION

Contact Laura Hewitt Walker at (206) 684-0429 or laura.hewitt@seattle.gov for more information.

Inquiries regarding process for certification of landmark TDR or open space TDR sites may be directed to Dennis Meier at the Department of Planning & Development (DPD) at (206) 684-8270 or dennis.meier@seattle.gov.